

RECEIVED
CENTRAL FAX CENTER

DEC 29 2004

PATENT
Docket No. 234.00010123IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Buswell et al.) Group Art Unit: 3747
)
Serial No.: 10/633,766) Examiner: Erick R. Solis
Confirmation No.: 5109)
)
Filed: 4 August 2003)
)
For: INTAKE DEVICE FOR USE WITH INTERNAL COMBUSTION ENGINES

TERMINAL DISCLAIMER

MAIL STOP AMENDMENT
Commissioner for Patents
Attn: Examiner Solis
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

CMB Enterprises, LLC is the owner of 100 percent interest in the instant application, as evidenced by an assignment recorded at Reel 013392, Frame 0965 on 21 October 2002, and is the owner of 100 percent interest in U.S. Patent No. 6,073,609, as evidenced by an assignment recorded at Reel 013392, Frame 0965, on 21 October 2002. The owner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and 173 as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,073,609, issued 13 June 2000. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full

Terminal Disclaimer

Applicant(s): Buswell et al.

Serial No.: 10/633,766

Confirmation No.: 5109

Filed: 4 August 2003

For: INTAKE DEVICE FOR USE WITH INTERNAL COMBUSTION ENGINES

Page 2 of 2

statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the patent later: (1) expires for failure to pay a maintenance fee, (2) is held unenforceable, (3) is found invalid by a court of competent jurisdiction, (4) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, (5) has all claims canceled by a reexamination certificate, (6) is reissued, or (7) is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record as evidenced by the Power of Attorney dated 15 March 2000.

FEE STATUS

Please charge the required fee of \$65 under 37 C.F.R. §1.20(d) and any additional required fees to Deposit Account No. 13-4895. Please contact Applicants' Representative at the below-listed telephone number with any questions.

CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper is being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 29/12 day of December, 2004, at 2:30pm (Central Time).

Date

29 Dec 2004

Respectfully submitted for
Buswell, et al.

By
Mueting, Raasch & Gebhardt, P.A.
P.O. Box 581415
Minneapolis, MN 55458-1415
Telephone (612)305-1220
Facsimile (612)305-1228
Customer Number 26813

Mark J. Gebhardt
Reg. No. 35,518
Direct Dial (612)305-1216